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1944

File No. 44-48

Legal Dept

C **BRANCH**

P 176

Subject:—

~~Boot~~ Services

Secretary of States Services

Conduct Rules.

C. 28(1)(a)

File No. 44-48

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CONTENTS.

Legal Department Vo. C.28(1)(a)/44

Sr.No.	Compiliation No.	Subject.	Pages.
	C.28(1)(a)/44	Secretary of States services conduct Rules.	
1	G.R.P. & S.D. 1580/34/20-1-44 R.I. 1208/10.2.44	Secretary of States. services (Conduct) Rules, 1942.	1-5
2	179/44-Ests.19.2.45 R.I 1905/5.3.45	A letter from the Govt.of India Re; Procedure for transmitting the recommendations of the Govt.of India in disciplinary cases against members of the Secretary of State's services employed under Provincial Government.	7
3	50/2/43(c)(a) 22-5-45 R.I 283-Const./6.6.45	Revision of rule 20 of Secy. of State's service conduct rules 1942.	9-13
4	30/38/45-4G(A) 28-5-45 R.I 5099/18.6.45	References relating to individual members ofthe Secy. of State's services serving under Provincial Governments.	15
5	39/7/48-Ests. 29-4-48 R.I 6246/13.5.48	Procedure for handling of individual cases against members ofthe Secy. of State's services.	17

Secretary of State's Services (Conduct) Rules, 1942.

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Resolution No. 1580/34.

Bombay Castle, 20th January 1944.

Government of India, Home Department, Notification, No. 50/1/36-Public (C), dated the 23rd September 1943 :-

The following rules made by the Secretary of State for India are published for general information:-

I, Leopold Charles Maurice Stennett Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 247 (1), section 250 and section 269 of the Government of India Act, 1935, hereby make, with the concurrence of my Advisers, the following rules, namely:-

Title and application.

1.-(1) These rules may be called the Secretary of State's Services (Conduct) Rules, 1942.

(2). They apply to Government servants whether on duty, leave or foreign service,-

(i) appointed by the Secretary of State in Council or the Secretary of State to a Civil service of, or a civil post under, the Crown in India;

(ii) other than those specified in clause (i) who have been appointed substantively in accordance with the provisions of rules under section 246 of the Government of India Act, 1935, to posts reserved under that section;

(iii) who hold any civil post under the Crown in India and are, or were when first appointed to such a post, officers of His Majesty's forces:

Provided that nothing in these rules shall apply to any such Government servant when holding any office specified in the Schedule to these Rules.

Definitions.

2. In these Rules:-

(1) "the Government" means-

(i) as respects a Government servant serving in connection with the affairs of the Federation, the Governor General ~~in General~~ in Council until the commencement of Part II of the Government of India Act, 1935, and thereafter the Governor General exercising his individual judgment; or

(ii) as respects a Government servant serving in connection with the affairs of a Province, the Governor of the Province exercising his individual judgment:

Provided that the powers of the Government shall be exercisable when the Government servant is in Europe, whether on duty, leave or foreign service, by the Secretary of State.

(2) "Member of a Government servant's family" includes-

(a) a wife, child or step-child, whether residing with the Government servant or not, and

(b) any other relative of his or his wife's, when residing with him, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him or of whose custody the Government servant has been deprived by law.

Gifts.

3.-(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the Government, accept or permit any member of his family to accept from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to Government for decision as to its disposal.

(2) If any question arises whether the receipt of a gift places the recipient under any form of official obligation to the donor the decision of the Government thereon shall be final.

(3) A Government servant may accept a ceremonial gift from the Ruler of an Indian State if the gift is such that a return gift will be made at Government expense. A gift so accepted shall be delivered to the Government.

Public Demonstrations in honour of Government servants.

4.-(1) Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of the Government-

(a) receive any complimentary or valedictory address, accept any testimonial or attend any meeting or entertainment held in his honour; or

(b) take part in the presentation of a complimentary or valedictory address or a testimonial to any other Government servant or any person who has recently quitted the service of the Crown or attend a meeting or entertainment held in honour of such other Government servant or person.

(2) Notwithstanding anything contained in sub- rule(1)-

(a) a Chief Commissioner may receive an address;

(b) a Government servant may at the request of any public body sit for a portrait, bust or statue not intended for presentation to him;

(c) subject to the provisions of any general or special order of the Government, a Government servant may take part in the raising of a fund to be expended, in recognition of the services of any another Government servant or of a person who has recently quitted the services of the Crown, on the foundation of a scholarship or any other public or charitable object or on the execution of any portrait, bust or statue not intended for presentation to such other Government servant or person;

(d) subject to the provisions of any general or special order of the Government, a Government servant may attend a farewell entertainment of a substantially private and informal character held in honour of himself or any other Government servant or any person who has recently quited the service of the Crown, on the occassion of the retirement from the service or departure from a district or station of himself or such other Government servant or person.

Presentation of trowels, etc., at ceremonial functions.

5.-(1) No Government servant shall, except with the previous sanction of the Government, receive any trowel, key or other similar article offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

(2) Nothing in sub-rule (1) shall apply to a Chief Commissiner, to a Member of a Board of Revenue, to a Financial Commissioner, or to a Commissioner of a Division.

Subscriptions.

6. Except with the previous sanction of the Government, if he is a Commissioner of a Division or a Head of a Department, or of the Commissioner, or the Head of his Department in other cases, no Government servant shall ask for, or accept, or in any way participate in the raising of, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

Lending and Borrowing.

7.-(1) No Government servant shall-

(a) directly or indirectly engage in the business of money lending; or

(b) except with the previous sanction of the Government, lend money to any person possessing land within the local limits of his authority, or at interest to any person; or

(c) save in the ordinary course of business with a bank or a firm of standing, borrow money from, or otherwise place himself under pecuniary obligation to, any person within the local limits of his authority; or

(d) except with the previous sanction of the Government permit any relative underhis direct control to enter into any transaction of the nature of those prohibited in the case of Government servants.

Provided that (i) clause (b) does not preclude the making of advances of pay to private servants even if they possess land within the local limits of the Government servant's authority:-

(ii) clause (c) does not preclude the acceptance of a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bona fide tradesman;

(iii) this sub-rule shall, in its application to the dealings of a Government servant with a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912) or under any similar provincial law, , be subject to such relaxation as the Government may by special or general order direct.

(2) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (1), he shall forthwith report the circumstances to the Government, and shall thereafter act in accordance with such orders as may be passed by Government.

Buying and selling houses and other valuable property.

8. Save in the case of a transaction conducted in good faith with a regular dealer or permitted under rule 9, a Government servant who intends to transact any purchase sale or disposal by other means of moveable property exceeding in value Rs. 200 with any person residing, possessing immovable property or carrying on business within the local limits of the official authority of such gover ment servant, shall declare his intention to the Government. The declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal, and the Government servant shall thereafter act in accordance with such orders as may be passed by the Government:

Provided that a Government servant who is about to quit the local limits of his official authority may, without reference to the Government dispose of any of his movable property by circulating lists of it among thepublic generally or by causing it to be sold by public auction.

Holding or acquiring immovable property.

9.-(1) No Government servant domiciled outside Asia shall, save in good faith for the purpose of residence directly or indirectly, Hold or acquire immovable property -

(a) within the Province in which he is employed or within any Province with the administration of which he is concerned or within an Indian State in which he is employed; or

(b) except with the previous sanction of the Government , within any other Province or Indian State.

(2) No Government servant domiciled in Asia shall, save in good faith for the purpose of residence, acquire any immovable property in India by purchase or gift, except with the previous sanction of the Government.

Control over immovable property held or acquired by Government servants.

10. Subject to the provisions of any general or special order of the Government, every Government servant shall make to the Government, through the usual channel, a declaration of all immovable property in India from time to time held or acquired by him or by his wife or by any member of his family living with, or in any way dependent upon, him. The declaration shall state, the district or the Indian State within which the property is situated and shall contain such further information as the Government may be general or special order require.

See Slip A.

[For sub-rule(2) of rule 11 of the said Rules, the following sub-rule shall be substituted , namely:-

"(2) No Government servant shall make nor permit any member of his family to make any investment likely to embarrases or influence him in the discharge of his official duties.

Note:- For the purpose of this sub-rule the word 'family' shall include any relative residing with a Government servant and any relative who is dependent on him though not residing with him."
(Substituted vide P&.S.D. G.N.No. 1581/34 dt. 9th April 1948).]

Promotion and Management of Companies.

12. No Government servant shall, except with the previous sanction of the Secretary of state, take part in the promotion, registration or

~~registration~~ management of any bank or company:

Provided that a Government servant may, with the previous sanction of the Government, enter into the service of a railway company:

Provided also that a Government servant may, in accordance with the provisions of any general or special order of the Government, take part in the promotion, registration or management of a co-operative Societies Act, 1912 (II of 1912) or under any similar Provincial law.

Private trade or employment.

13. No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake, or shall discontinue, such work if so directed by the Government.

Insolvancy and habitual indebtedness.

14. A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent, or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he could not relay within a period of two years, he should be presumed to have contravened this rule. But he need not be so deemed if he proves that the insolvency or indebtedness is the result of circumstances which, ~~xxx xxxxxx xxxxxxxxxx~~ with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and has not proceeded from extravagant or dissipated habits. A Government servant who applies to be or is adjudged or declared insolvent shall forthwith report his insolvency to the head of the office or department in which he is employed.

Communication of official documents or information.

15. No Government servant shall, except in accordance with any special or general order of the Government, communicate, directly or indirectly, any official document or information to a Government servant unauthorised to receive the same, to a non-official person, or to the press.

Connection with Press.

16. No Government servant shall, except with, and during the continuance of, the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

Anonymous publication of documents and annonymous communications to the press.

17. No Government servant shall, in any document which he publishes anonymously or in any annoymous communication to the press, criticise the policy or action of Government intemperately or unreasonably. A Government servant shall in respect of any such publication or communication be subject to the provisions of rule 15.

Publication of documents and communications to the Press in the name of Government servants and public speeches.

18. -(1) No Government servant shall, in any document published over his own name or in any communication made to the press over his own name or in any public utterance delivered by him, make any statement of fact or opinion which is ~~xx~~ capable of embarrassing-

(a) the relations between the Central Government or any Provincial Government and the ~~xx~~ people of India or any section thereof, or

(b) the relations between His Majesty's Government or the Central Government and any foreign country or Indian State.

(2) A Government servant who intends to publish any document over his own name or to make any communication to the press over his own name or to deliver any public utterance containing statements in respect of which

respect of which any doubt as to the application of the restrictions imposed by sub-rule (1) may arise shall submit to the Government a copy or draft of the document which he intends to publish or of the utterance which he intends to deliver, and shall thereafter act in accordance with such orders as may be passed by the Government.

Evidence before Committees.

19.-(1) No Government servant shall give evidence before a public committee except with the previous sanction of the Government.

(2) No Government servant giving such evidence shall criticise the policy or decisions of the Secretary of State, of the Central Government or of any Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which have power to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

Taking part in politics and elections.

20.- (1)(i) No Government servant shall take part in, subscribe in aid of, or assist in any way political movement in India, or relating to Indian affairs.

Explanation.- The expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established, or to promote feelings of hatred or enmity between different classes of His Majesty's subjects, or to disturb the public peace.

(ii) No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement or activity which is, or tends directly or indirectly to be, subversive of Government as by law established in India.

Explanation.- A Government Servant shall be deemed to have permitted a person to take part in or assist a movement or activity within the meaning of clause (ii) if he has not taken every possible precaution and done everything in his power to prevent such person from so acting, or if, when he knows or has reason to suspect that such person is so acting, he does not at once inform the Government or the officer to whom he is subordinate.

(2) No Government servant shall canvass or otherwise interfere or use his influnce in connection with, or takem part in, any election to a legislative body, whether in India or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote, but, if he does so, shall give no indication of the manner in which he proposes to vote or has voted.

(3) A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body, shall be deemed for the purposes of sub-rule (2) to take part in an election to such body.

(4) The provisions of sub-rules(2) and (3) shall, so far as may be, apply to elections to local authories or bodies, save in respect of Government servants required or permitted by or under any law, or order of the Government, for the time being in force to be a candidate at such elections.

Vindication of acts and character of Government servants as such.

21. (1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the press for the vindication of his official acts or character from defamatory attacks.

(2) Nothing in sub-rule(1) shall derogate from the right of a Government servant to vindicate his private acts or character.

Membership of Service Associations.

22. No Government servant shall be a member, representative or officer of any association representing or purporting to represent, Government servants or any class of Government servants unless such association satisfies the following conditions namely:-

(a) Membership of the association shall be confined to a distinct

distinct class of Government servants , and shall be open to all Government servants of that class.

(b) The association shall not be in any way connected with, or affiliated to, any association which does not, or any federation of associations which do not, satisfy condition (a).

(c) The association shall not be in any way connected with any political party or organisation, or engaged in any political activity.

(d) The association shall not;

(i) issue or maintain any periodical publication except in accordance with any general or special order of the Government:

(ii) except with the previous sanction of the Government , publish any representation on behalf of its members , whether in the press or otherwise.

(e) The association shall not, in respect of any election to a legislative body, or to a local authority or body, whether in India or elsewhere-

(i) pay, or contribute towards, any expenses incurred in connection with his candidature by a candidate for such election;

(ii) by any means support the candidature of any person for such election; or

(iii) undertake or assist in the registration of electors, or the selection of a candidate for such election.

(f) (i) The association shall not maintain or contribute towards the maintenance of any member of a legislative body, or of any member of a local authority or body, whether in India or elsewhere; or

(ii) pay, or contribute towards, the expenses of any trade union which has constituted a fund under section 16 of the Indian Trade Unions Act, 1926 (XVI of 1926):

Provided that conditions (a) and (b) shall not be held to debar any Government servant from remaining or becoming a member of the European Government Servants' Association or the Indian Officers' Association and that the Government may, for reasons to be recorded in writing, by general or special order, dispense with those conditions in the case of any other association.

Savings.

23. Nothing in these rules shall be deemed to derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

24. The Government Servants' Conduct Rules, 1935 (a), are hereby cancelled in so far as they are applicable to the Government servants to whom these rules apply.

Government of India, Home Department, Notification, No. 50/1/36-I-Pub. (C), dated the 23rd September 1948:-

Schedule- The following amendments made by the Secretary of State for India to the Secretary of State's Services (Conduct) Rules, 1942, are published for information:-

"I, Leopold Charles Maurice Stennett Amery, one of His Majesty's Principal Secretaries of State, in virtue of the powers conferred by section 247 (1), section 250 and of section 269 of the Government of India Act, 1935, hereby make, with the concurrence of my advisers, the following amendments in the Secretary of State's Services(Conduct) Rules (b), namely, in the said Rules:-

(i) For the proviso to sub-rule (2) of Rule 1, the following shall be substituted:-

"provided that nothing in these rules shall apply to any such Government servant when holding any office in the Schedule to these Rules" ;

(ii) in the proviso to sub-rule (i) of Rule 2 for the words "outside India" the words "in Europe" shall be substituted;

(iii) at the end of the said Rules, the following Schedule shall be inserted:-

1. Governor of a Province.
2. Member of the Executive Council of the Governor-General.
3. Judge of the Federal Court.
4. Judge of a High Court, Chief Court or Judicial Commissioner's Court.
5. Auditor-General of India.
6. Agents-General for India in the United States of America and in China.
7. High Commissioner for India in the Union of South Africa.

Resolution.- Copies of the Secretary of State's Services (Conduct) Rules, 1942, should be forwarded to the officers concerned for information and guidance.

By order of the Governor of Bombay,

J. CHAVES,
for Chief Secretary to the Government of Bombay,
Political and Services Department,

G.P. No. 1380/3-, P.& S.D., dated the 20th January 1944.

To
The Secretary to the Governor,
The Accountant General, Bombay,
The Registrar, High Court, Appellate Side, Bombay,
The Prothonotary and Senior Master, High Court, Bombay,
All Heads of Departments under the several Departments of the Secretariat,
All Departments of the Secretariat,
All members of the All-India Services under the administrative control of the Government of Bombay.

No. of 1944.

Copy forwarded for information and guidance to

N.V.D.
31/12.
4c.

No. 179/44-Ests.
Government of India,
Home Department.

From

The Hon'ble Mr. E. Conxran-Smith, C.S.I., C.I.E., I.C.S.,
Secretary to the Government of India.

To

The Chief Secretaries to all Provincial Governments,

New Delhi, the 19th February, 1945.

Subject:- Procedure for transmitting the recommendations of the Government of India in disciplinary cases against members of the Secretary of State's Services employed under Provincial Government.

Sir,

In connection with a recent case, involving removal of a member of one of the Secretary of State's Services employed under a Provincial Government the procedure for transmitting to the Secretary of State the recommendations of the Government of India in such matters has been reviewed. Accordingx to the orders of the Secretary of State, proposals for the compulsory retirement or removal of officers of the Secretary of State's Services have hitherto been submitted to him in a despatch from the Governor General in Council. In this matter, no distinction has been made between cases of officers employed under the Central Government and of those employed constitutional responsibilities of the Governor General in Council with regard to the Services, the two types of cases can be clearly differentiated. In respect of officers of the Secretary of State's Services employed under Provincial Government, the Governor General in Council has now no locus standi, and the procedure so far followed in regard to the transmission of the recommendations of the Government of India to the Secretary of State in disciplinary cases against these officers was not in fact in accordance with sound constitutional practice. That the position is as stated above was realised some years ago and it was only as a measure of convenience that the existing arrangements were allowed to continue.

2. It hasnow been decided in consultation with the India office that the procedure should be changed and that all disciplinary cases relating to individual officers of the Secretary of State's Services serving in connection with the affairs of a Province should handled by the Public Secretariat of the Governor General and not as hitherto by a Department of the Government of India. I am therefore to request that communications regarding disciplinary cases of individual officers of those Services serving under a Provincial Government in which the orders of the Secretary of State have to be obtained should henceforth be addressed to the Secretary to the Governor General (Public). General matters relating to the Services as a whole will continue to be handled, as at present, by the appropriate Department of the Government of India and communications on such matters should be addressed accordingly.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- E. Conran Smith,

Secretary to the Government of India.

N.V.D.
1/8
4c.

No. 1580/34-D.
Political and Services Department,
Bombay Castle, 2nd March 1945.

Forwarded with compliments for information to:-

The Secretary to the Governor,
All Departments of the Secretariat (except the Separate Department).

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay.

Copy of the Government of India, Home Department, express letter (Secret) No. 50/2/43- Public (C), dated the 22nd May 1945.

Rule 20 of the Secretary of State's Services Conduct Rules, 1942, deals with "taking part in politics and elections". Provincial Governments presumably have a counter part to this rule applicable to Services under their rule-making power. Sub-rule (1)(i) of the rule quoted above reads as follows:-

> "No Government servant shall take part in subscribe in aid of, or assist in any way, any, political movement in India or relating to Indian affairs".

Explanation. The expression "political movement" includes any movement or activities tending directly or indirectly to excite disaffection against, or to embarrass, the Government as by law established, or to promote feelings of hatred or enmity between different classes of His Majesty's subjects, or to disturb the public please."

Sub-rule (2)(i) prohibits Government servants from allowing their dependents to take part in subversive activities. The remaining sub-rules (2), (3) and (4) explain the extent to which Government servants are allowed to take part in elections.

2. Questions have often been raised, and rulings given, as to the extent to which sub-rule (1)(i) prohibits passive, as distinct from active, membership of organizations which, or branches of which, are of a political character and also as to the extent to which it prohibts membership of communal organizations which claim to be of a non-political character. We think that the "Explanation" is unsatisfac-tory in so far as it suggests, but fails to give, a complete definition of the phrase "political movement" and implies that suport of a political movement in favour of Government is not prohibited. The reference to promoting feelings of hatred and enmity between different classes of His Majesty's subjects is obsiviously aimed at Communal organizations and we doubt whether this is necessary in a Rule that deals with "politics". Our suggestion is that the time has come to similify the rule by laying down in the briefest and clearest language possible the general proposition that Government servants must have no politics and must have no politics and must not Government servants must have no politics and must not take part in any kind of political activity beyond exercising such rights as they may possess to vote at elections. In this view, the following might serve to take the place of sub-rules (1)(i), (2), (3) and (4) of the rule quoted:-

> "A Government servant who is qualified to vote at any election to a legislative, local or municipal body may exercise his right to vote, provided that, if he does so, he shall give no indication of the manner in which he proposes to vote or has voted. Except to this extent, no Government servant shall take part in politic , or belong to any association or organization which takes part in politics, or assist in any way any movement which has a political object."

(P.T.O.)

Although it is extremely difficult to give a precise definition of what is meant by "politics" or "political objects", a rule on these lines should be generally understood; and so long as political parties are divided on communal lines, a prohibition in these terms would automatically prevent Government servants from being members of communal organizations which combine political with other objects. No further definition therefore would appear to be necessary, but it might be desirable to add, by way of "Explanation":-

"If any question arises whether an association, organization or movement is a political association, organization, or movement, a certificate to that effect by the Central/Provincial Government shall have binding effect for the purposes of these rules".

3. A revision of rule 20 on the above lines would not cover sub-rule (1)(ii) referred to above. It would obviously be unjustificable to expect Government servants not to allow their dependents to take part in legitimate politica. It would therefore be reasonable to retain this provision as a separate rule.

4. We should be glad to have the views of the Provincial Government as early as convenient on the suggestions made above.

SECRET
Very urgent

No. 1580/34-D.
Political and Services Department.
Bombay Castle, 4th June 1945.

Forwarded with compliments to-

The Commissioners of Divisions,
The Inspector General of Police, Province of Bombay, Poona,
The Commissioner of Police, Bombay,
All Secretaries to Government.

with a request that their views on the suggestions made by the Government of India may be communicated to this Department as soon as possible.

By order of the Governor of Bombay,

Id/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

N.V.D.
1/8
4c.

L.D.
No. 283 Confl.
6.6.1945.

Submitted. with the copy of S. of S.(Conduct) Rules, 1942.

The P. & S. Department forwards copy of Government of India Home Department's Express letter (secret) No. 50/2/43. Pub. (c)(s) dated 22-5-1945 regarding revision of rule 20 of the Secretary of States Services Conduct Rules 1942. The lines on which rule 20 is proposed to be revised are suggested in para 2 of the letter at pages 1 and 2 ante. The P.& S. Department requests Secretary's views on the suggestions made by the Government of India for being communicated to the Government of India.

The Corresponding rule which is applicable to the members of the Provincial, specialist and subordinate services is rule 30 of the B.C.S. Conduct Dicipline and Appeal Rules as amended by G.P.P. & R. Department No. 248/33 (Fin) dated 29-3-34.

Supdt. I.D.
8/6.

S.A.S. Govt. of Bombay may agree to the proposal of the Govt. of India which would be welcomed by all the Govt. servants.

Id/- R.P.K. 13/6

A.L.P. I dont know what is meant by saying that a Government servant" shall have no politics" but is seems absurd. Taking part in political activities another matter.

Govt. makes itself foolish by saying that a Govt. servant shall give no indication of the way he has voted.

Id/- R.P.H.

I agree with A.L.R. and suggest replacing "politics" by "political acti vity" in A on p. 1.

Td/- NKD 14/6/45.

P.L.A.

I can see no objection to the G. of 1 proposal the words are "take part in politics" This means that no Govt. servant should associate himself with any political activity. The substitution of the word 'politics' by the words "political activites "will not improve matters. We should agree with the G of I suggestions.

Td/- PNM

14-5-45.

N.V.D.
1/8
4c.

SECRET.

No. 265-Confl.

Legal Department.
Bombay Castle, 18th June 1945.

Subject:- Revision of rule 20 of Secretary of State's Services Conduct Rules, 1942.

MEMORANDUM.

The undersigned present compliments to the Chief Secretary to the Government of Bombay, Political and Services Department and with reference to that Department Endorsement No. 1580/34-D, dated the 4th June 1945, on the above subject, has the honour to state that he agrees with the suggestions made by the Government of India in the matter.

Id/- P.N.L.
18/6/45

Secretary to the Government of Bombay,
Legal Department.

To

The Chief Secy, to Govt. of Bombay
(Poll & S.D.)

N.V.D.
1/8
4c.

Copy of a letter from the Secretary to the Governo-General (Public) No. 30/38/45-GC(A), dated the 28th May 1945.

Subject:- References relating to individual members of the Secretary of State's Services serving under Provincial Governments.

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"I am directed to invite a reference to paragraph 2 of the letter from the Home Department of the Government of India, No. 179/44-Ests., dated the 19th February 1945, in which the Provincial Government were asked to address to the Secretary to the Governor-General (Public) communications regarding disciplinary cases of individual officers of the Secretary of State's Services serving in connection with the affairs of a Province. That change in procedure was made in recognition of the fact that the Governor-General in Council has now no constitutional footing in such cases. The same change in procedure should logically be made in the handling of other cases (i.e. cases not strictly disciplinary) which relate to individual officers of the Secretary of State's Services who are serving in connection with the affairs of Provinces. This would cover all memorials and representations of such officers, and all cases affecting such officers individually, which the Provincial Government are not themselves competent to dispose of. Instances are the rate of special additional pension to be granted to an officer, or of compensionate allowance to be paid to a dismissed officer, and requests of individual officers for relaxation of general rules relating to retirement. I am accordingly to request that all references to the Centre in respect of such cases should in future be addressed to the Secretary to the Governor-General (Public). As stated in the Home Department letter quoted above, general matters relating to the services as a whole, will continue to be handled by the appropriate Department of the Government of India.

No. 1580/34-D.
Political and Services Department.
Bombay Castle, 15th June 1945.

Forwarded to:-

The Secretary to the Governor,

All Departments of the Secretariat (except the separate Department),

for information in continuation of this Department endorsement No. 1580/34-D, dated the 2nd March 1945.

By order of the Governor of Bombay,

rd/-

For Chief Secretary to the Government of Bombay, Political and Services Department.

N.V.D.
1/8
4c.

Copy of a letter from the Government of India, Ministry of Home Affairs, No.39/7/48-Ests., dated the 29th April 1948.

Subject:- Procedure for handling of individual cases against members of the Secretary of State's Services.

I am directed to refer to letters No. 179/44-Ests., dated the 19th February 1945, from the late Home Deparement and No. 30/38/45-GC (A), dated the 28th May 1945, from the late Public Secretariat of the Governor General, in which the Provincial Governments were asked to address communications regarding disciplinary and other cases which related to individual officers of the Secretary of State's services serving in connection with the affairs of a Province to the Secretary to the Governor General (Public). The basis of these instructions was that the Governor General-in-Council had no constitutional footing in matters affecting these officers in which the final orders were required to be passed by the Secretary of State for India. Under section 247 of the Government of India Act, as adapted, however, the powers of the Secretary of State in this connection have now devolved on the Governor General and matters affecting the officers of the Secretary of State's services, whether the Dominion, which immediately before the transfer of power were regulated by rules made by the Secretary of State are now to be regulated by rules to be prescribed by the Governor General. The old position in the matter, therefore, no longer holds good.

2. I am accordingly directed to request that communications regarding cases which relate to individual officers of the Secretary of State's Services, who are serving in connection with the affairs of the Provinces, in regard to matters which require the orders of the Governor-General may hereafter administratively concerned with the Service to which the Officer belongs.

No. 1580/34-D.
Political and Services Department.
Bombay Castle, 11th May 1948.

Forwarded to:-

The Private Secretary to the Governor,
All Departments of the Secretariat (except the Separate Department),

for information and guidance in continuation of Political and services Department endorsement No. 1580/34-D, dated the 15th June 1945.

By order of the Governor of Bombay,

S.G.Desai,

For Chief Secretary to the Government of Bombay,
Political and Services Department.

N.V.D.
1/8
4c.